



# FOREIGN AFFAIRS MANUAL

## VOLUME 9 – Visas

**Transmittal Letter:** VISA-185

**Date:** February 26, 1999

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## PARTS 40, 41, 42 AND APPENDICES

### MAJOR CHANGES

1. **40.1 Notes:** N2.4-1a citation should be "INA 101(b)(1)(E)".
2. **40.23 Notes:** Due to the Court of Appeals decision *Castano v. INS*, N3 is deleted. For information regarding this decision, see 9 FAM 40.21(b) N4.1-5.
3. **41.2 Exhibit I:** Fiji is added to the list of Commonwealth countries.
4. **41.2 Exhibit VII:** The list of VWPP signatory carriers is updated.
5. **41.53 Regs/Statutes:** Along with changes made to the labor certification process, the American Competitiveness and Workforce Improvement Act (ACWIA) (Title IV, sections 401-431 of Pub. L. 105-277) increased the number of H-1B visas available in fiscal years 1999, 2000 and 2001. These provisions are effective immediately.
6. **41.57 Regs/Statutes:** Pub. L. 105-319 creates a special work/training program for Irish nationals. The Act requires the Secretary of State and the Attorney General to create a program to admit into the United States, on a new Q-2 visa, 4,000 residents from Northern Ireland and border counties in the Republic in each of 3 program years. H-2B numbers would be used as an offset.
7. **41.82 Regs/Statutes:** Pub. L. 105-277 (section 421 of the ACWIA) grants civilian NATO employees special immigrant status if they meet the definition of immigrant applicable to civilian employees of International Organizations found at INA 101(a)(15)(G)(i) or (iv). INA 101(a)(15)(N) is similarly amended to permit visits to the special immigrant by the family members mentioned in that section. This provision is effective immediately.
8. **41.101 Procedural Notes:** PN2, PN3 and PN3.1 are new procedural notes.

9. **41.106 Procedural Notes:** The majority of the procedural notes pertaining to Visa Lookout Accountability (VLA) are new.
10. **41.113 Notes:** N1 "Section 103" should now read "Section 200". N2.3 "crewman might" should be changed to "crewman would". N2.4 the last two sentences have been added.
11. **41.113 Procedural Notes:** PN5(b) incorrectly refers to 9 FAM 41.113 PN2.2; whereas, it should correctly refer to PN5.2.
12. **41.121 Notes:** Substantive changes are included in N1.
13. **42.22 Procedural Notes:** Due to the repeal of INA 212(c) by Pub. L. 104-208, PN2 is deleted since it no longer applies. PN4 and PN5 are added to explain the procedure for reporting SB-1 issuances.
14. **42.32(d)(5) Regs/Statutes and Notes:** Pub. L. 105-277 amended INA 101(a)(27)(L) to extend special immigrant status to NATO civilians. The 42.32(d)(5) regulations and notes are amended accordingly. The amended text of INA 101(a)(27) is added to the Related Statutory Provisions.
15. **42.33 Regs/Statutes:** Pub. L. 105-360 extends through FY 1999 the visa processing time for DV 1998 applicants, who were unable to have their visas processed as a direct result of the bombings of our embassies in Nairobi and Dar Es Salaam, and the security precautions taken at other posts in the wake of the bombings. Visas will be charged to FY 1999 DV numbers.
16. **42.33 Notes and Procedural Notes:** These are updated to reflect changes in the DV Program for DV-99.
17. **42.41 Exhibit III:** This exhibit has been updated to reflect the most recent list of Accredited Genetic Testing Facilities.
18. **42.42 Procedural Notes:** Guidance for following-to-join cases has been expanded.
19. **42.63 Exhibit XVI:** This exhibit is removed. The information contained in this exhibit is now in 42.63 Exhibit XI (issued under TL:VISA-179; 08-21-1998).
20. **42.65 Notes:** Notes regarding the availability of documents have been updated.

21. **42.67 Notes:** N1.1 is revised to reflect the increase in the immigrant visa fee. N5.1 reflects the repeal of the statutory requirement for general fingerprinting. N5.3 indicates the fee amount that is to be collected when fingerprints are taken.

22. **42.67 Procedural Notes:** PN4 is revised to reflect the increase in the immigrant visa issuance fee. PN5.1 adds a new reference to 40.6 Exhibit I which indicates where visa relief is available. PN7 and subnotes are revised to reflect new procedures for forwarding fingerprints to the FBI.

23. **42.73 Procedural Notes:** PN1.3-3 regarding the designation of the “country of birth” or the “city and country of last residence” on the Form OF-155B is amended to reflect the exception for Tibetans. PN2.3-3 is amended to instruct consular officers to annotate the Form OF-155B if a vaccination requirement has been waived. PN3.3-2 is added requiring adoptive or prospective adoptive parent(s) to provide a signed affidavit to the consular officer indicating that the child is exempt from the vaccination requirement. PN3.4, PN3.4-1, PN3.4-2 and PN3.4-3 are amended regarding documents required for family members.

24. **Appendix C, Section 800, Exhibit I:** Several offices which provide visa services have closed and thus were deleted from the list.

25. **Appendix N, Exhibit I:** Madrid and Copenhagen are added as OIC offices. With these two additions, many of the countries have been redesignated and now fall under different jurisdictions.

26. Revisions since the last update appear in italics. The italics will be removed the next time the section is updated. Only the current changes will appear in italics. Italics provide the historical record of changes.

27. Officers are reminded that Department-issued materials not codified in the *Foreign Affairs Manual* or its supplemental *Foreign Affairs Handbook* series generally have no regulatory validity [see 2 FAM 1115.2].

## FILING INSTRUCTIONS

1. Remove Section 40.1 Notes (TL:VISA-162; 2-24-97 – 15 pages) and insert the revised identically numbered section.

2. Remove Section 40.23 Notes (TL:VISA-172; 10-30-1997 – 4 pages) and insert the revised identically numbered section.

3. Remove Section 41.2 Exhibit I (TL:VISA-164; 4-25-97 – 3 pages) and insert the revised identically numbered exhibit.

4. Remove Section 41.2 Exhibit VII (TL:VISA-164; 4-25-97 – 9 pages) and insert the revised identically numbered exhibit.
5. Remove Section 41.53 Regs/Statutes (TL:VISA-153; 9-10-96 – 3 pages) and insert the revised identically numbered section.
6. Remove Section 41.57 Regs/Statutes (TL:VISA-153; 9-10-96 – 2 pages) and insert the revised identically numbered section.
7. Remove Section 41.82 Regs/Statutes (TL:VISA-135; 2-29-96 – 1 page) and insert the revised identically numbered section.
8. Remove Section 41.101 Procedural Notes (TL:VISA-2; 8-30-87 – 1 page) and insert the revised identically numbered section.
9. Remove Section 41.106 Procedural Notes (TL:VISA-2; 8-30-87 – 1 page) and insert the revised identically numbered section.
10. Remove Section 41.113 Notes (TL:VISA-171; 10-15-1997 – 4 pages) and insert the revised identically numbered section.
11. Remove Section 41.113 Procedural Notes (TL:VISA-177; 04-30-1998 – 14 pages) and insert the revised identically numbered section.
12. Remove Section 41.121 Notes (TL:VISA-79; 5-14-93 – 1 page) and insert the revised identically numbered section.
13. Remove Section 42.22 Procedural Notes (TL:VISA-83; 8-13-93 – 2 pages) and insert the revised identically numbered section.
14. Remove Section 42.32(d)(5) Regs/Statutes (TL:VISA-101; 11-25-94 – 2 pages) and insert the revised identically numbered section.
15. Remove Section 42.32(d)(5) Notes (TL:VISA-144; 6-28-96 – 4 pages) and insert the revised identically numbered section.
16. Remove Section 42.33 Regs/Statutes (TL:VISA-179; 08-21-1998 – 9 pages) and insert the revised identically numbered section.
17. Remove Section 42.33 Notes (TL:VISA-175; 01-15-1998 – 10 pages) and insert the revised identically numbered section.
18. Remove Section 42.33 Procedural Notes (TL:VISA-183; 12-18-1998 – 7 pages) and insert the revised identically numbered section.
19. Remove Section 42.41 Exhibit III (TL:VISA-177; 04-30-1998 – 9 pages) and insert the revised identically numbered exhibit.

20. Remove Section 42.42 Procedural Notes (TL:VISA-170; 10-01-1997 – 2 pages) and insert the revised identically numbered section.
21. Remove and destroy Section 42.63 Exhibit XVI (TL:VISA-84; 9-15-93 – 2 pages).
22. Remove Section 42.65 Notes (TL:VISA-59; 5-15-92 – 3 pages) and insert the revised identically numbered section.
23. Remove Section 42.67 Notes (TL:VISA-59; 5-15-92 – 2 pages) and insert the revised identically numbered section.
24. Remove Section 42.67 Procedural Notes (TL:VISA-168; 08-08-1997 – 4 pages) and insert the revised identically numbered section.
25. Remove Section 42.73 Procedural Notes (TL:VISA-83; 8-13-93 – 9 pages) and insert the revised identically numbered section.
26. Remove Appendix C, Section 800 Exhibit I (TL:VISA-114; 6-16-95 – 4 pages) and insert the revised identically numbered exhibit.
27. Remove Appendix N, Exhibit I (TL:VISA-152; 9-9-96 – 4 pages) and insert the revised identically numbered exhibit.
28. After inserting the material in the binder, insert this transmittal letter immediately following the TL Checklist, fill in the entry line for TL:VISA-185, and initial.

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**(CA/VO/L/R)**